



ACPO Murphy Cross Exhibit 2

In addition, the Hybrid Route will come unreasonably close to the residence of Katherine and Jerry Thomure.

Furthermore, the Hybrid Route does not address any of the concerns raised by the intervenors regarding the negative environmental impact on ACPO's farming operations.

For some reason, the PO ignores the real detrimental impact of the Hybrid Route on the ACPO intervenors, but inexplicably focuses on six phantom residences near Interstate 172, which may or may not be occupied.

#### Exception No. 8:

Therefore, the commission finds that the ACPO Alternate Route 1 ~~Hybrid Route~~ for the Quincy-Meredosia portion of the project is the least-cost route when all costs and benefits are taken into account.

ACPO takes exception to a finding that the Hybrid Route is the least cost option when all costs and benefits are taken into account. The PO fails to attribute any value to the environmental factors that apparently sway it. For example, the PO references 6 six alleged

residences along the route as well as 40 acres of trees to be removed. The PO fails to explain how these two items make up the \$9,000,000.00 difference between the two routes. It was ATXI's burden to prove that these environmental factors result in its Hybrid Route being the least costly route. However, there was absolutely no evidence of the cost of removing the 40 acres of trees. There was no evidence submitted that the alleged residences were occupied, or much less residences at all. These shortcomings in the record beg the question of what formula or methodology the Commission used to make up the \$9,000,000.00 difference between the two routes and to conclude the Hybrid Route is the least costly.

## **II. REQUEST FOR ORAL ARGUMENT**

COME NOW, the ADAMS COUNTY PROPERTY OWNERS AND TENANT FARMERS by their attorneys and for their request for oral argument, state as follows:

1. Section 200.850 states:
  - a) The Commission may hear oral argument upon seven days notice to the parties of the time and place upon:
    - 1) Its own motion;
    - 2) The motion of a party; or
    - 3) A request for oral argument noted by a party on either its opening brief, reply brief or brief on exceptions, accompanied by a statement in support of such request in the body of the brief.
  - b) Except upon special leave of the Commission, no party shall participate in oral argument without having filed a brief.
  - c) The presentation of written materials or visual aids to the Commission at oral argument is permitted. To the extent such materials or aids contain factual information, they shall be supported by the record or briefs in the proceeding and shall contain accurate record citations. Such materials or aids may not contain new calculations or quantitative analyses not presented in the record or briefs, unless they are based on underlying data contained in the record. Copies of all



written materials or visual aids to be presented to the Commission at oral argument shall be served on all parties participating in the oral argument not less than 48 hours prior to the time and date of oral argument.

2. The ACPO request the Commission hear oral argument in this docket for the following reasons:

A. As noted in the Proposed Order filed on July 3, 2013, this docket involves one of the largest transmission line projects submitted under Section 8-406.1(a). The Proposed Order also admonishes ATXI on its decision to proceed in this docket under Section 8-406.1(a). The Proposed Order addresses numerous shortcomings that the expedited proceedings have had in this docket. Unfortunately, these shortcomings have become real in regard to the conclusion contained in the Proposed Order concerning the Quincy to Meredosia Route. Due to the numerous issues presented in the docket, both procedural and evidentiary, the ACPO request oral argument to present its specific concerns to the Commission.

B. As set forth in their Brief or Exceptions, the Hybrid Route, which the ALJ recommends to the Commission, will have significant negative impact on a large dairy operation and residential homes near the Hybrid Route. The Proposed Order gives greater concern to ATXI's speculative evidence regarding the existence of six homes along the ACPO Alternative Route No. 1 than the real concerns of the actual property owners along the Hybrid Route. The ACPO requests oral argument to present these issues to the Commission.

C. The ACPO Alternative Route No. 1 is \$9 Million less than the Hybrid Route. The ACPO requests oral argument to address the analysis in the Proposed Order